

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA TRAVIS SMITH

Plaintiff,

v.

CITY OF BELLINGHAM, *et al.*,

Defendants.

No. 2:18-CV-01828-RAJ

**ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME**

This matter comes before the Court on Plaintiff's motion for a 30-day extension of time to disclose and submit an expert report. Dkt. # 25. The Court finds that Plaintiff has not shown "good cause" to modify the case schedule. Fed. R. Civ. P. 16(b).

Once a district court files a pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16, "that rule's standards control[]." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-608 (9th Cir. 1992). As Rule 16(b)(4) explains: "A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). To show "good cause" a party must show that they could not meet the deadline imposed by the scheduling order despite its diligence. *Johnson*, at 609.

Here, there is no evidence that Plaintiff diligently attempted to comply with the expert disclosures deadline. Plaintiff has known of the deadline for filing expert disclosures since July 17, 2019. Dkt. # 24. Plaintiff's strategic decision not to obtain a

1 liability expert pending the outcome of mediation does not justify an extension. Dkt. #
2 25 at 1. If Plaintiff intended to delay in identifying a liability expert until after mediation
3 was complete, he could have requested an extension of the deadline prior to mediation,
4 rather than noting the motion for a date after the deadline had already passed. *See* LCR
5 7(j) (“A motion for relief from a deadline should, whenever possible, be filed sufficiently
6 in advance of the deadline to allow the court to rule on the motion prior to the
7 deadline.”).

8 Because Plaintiff has failed to show “good cause” meriting a modification of the
9 case schedule, Plaintiff’s motion for an extension of time is **DENIED**.

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11 Dated this 22nd day of January, 2020.

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15 The Honorable Richard A. Jones
16 United States District Judge
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